Copyright - DOD Contracts

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Agenda

Copyright - DOD Contracts

Guidance

Operations

Open Source Software

Guidance

Contracts - DFARS (DOD Supplement to FAR)

Grants - DOD Directive/Regulation 3210.6

Agency Expertise

Guidance

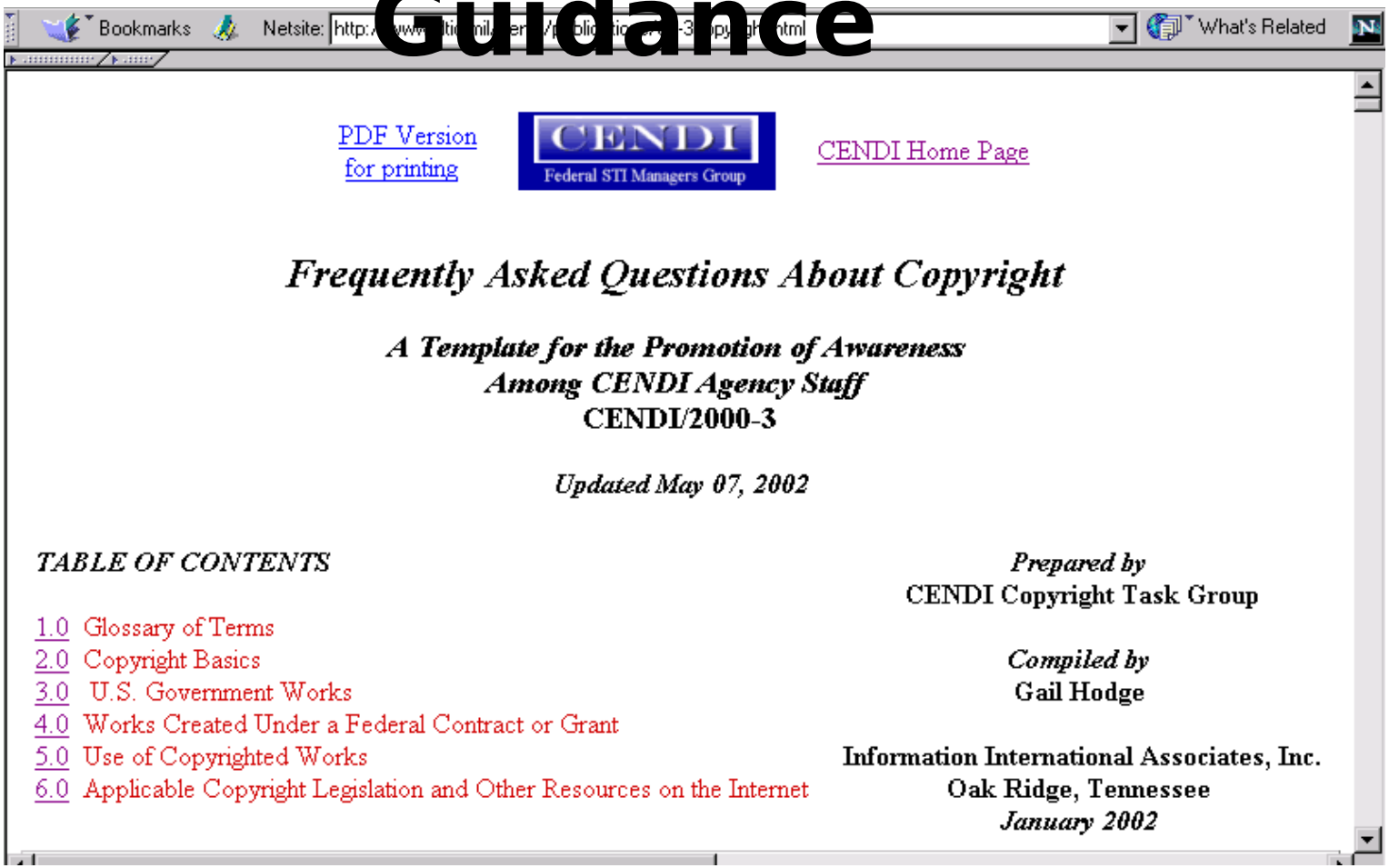
- **Agency Expertise**

  -- Copyright Office (http://lcweb.loc.gov/copyright/)

  -- CENDI Copyright FAQ (http://www.dtic.mil/cendi/pubarc.html)

  -- DTIC Copyright Guidelines (http://www.dtic.mil/)

Guidance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Federal STI Managers Group
CENDI Home Page
Frequently Asked Questions About Copyright
A Template for the Promotion of Awareness
Among CENDI Agency Staff
CENDI/2000-3
Updated May 07, 2002
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Prepared by
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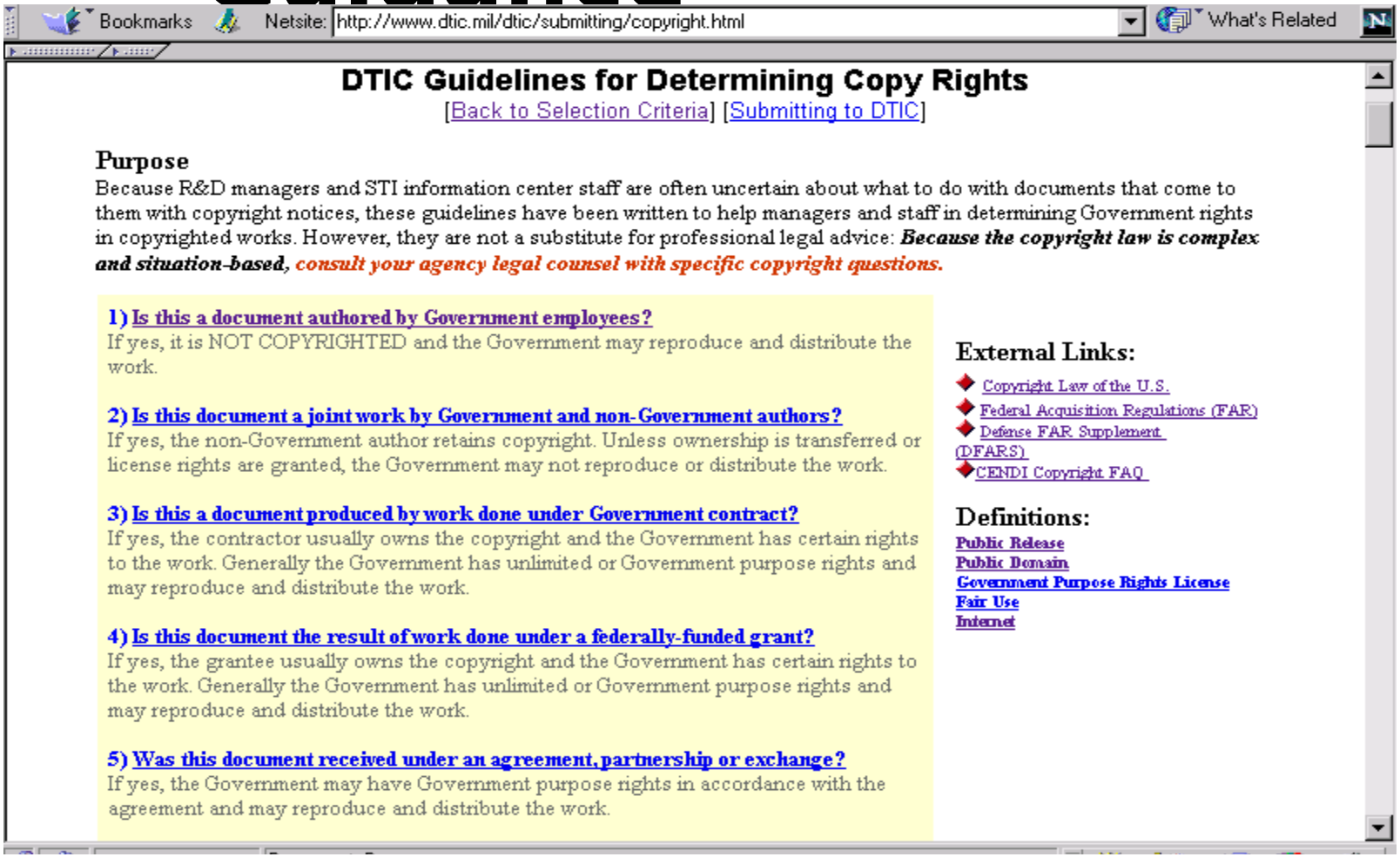
January 2002

Guidance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Federal Acquisition Regulations (FAR)
Defense FAR Supplement (DFARS)
CENDI Copyright FAQ
Definitions:
Public Release
Public Domain
Government Purpose Rights License
Fair Use
Internet

Operations

Contracts - Contractor's Copyright Notice

- **Can we reproduce and distribute the document?**
- **Can we direct the contractor to remove its notice?**
- **If there's no notice, does that mean the document is not protected by the contractor's copyright?**

Operations

Contracts - Contractor's Copyright Notice

Can we reproduce and distribute the document?

- **Yes (generally)**
- **Data Rights clauses**
- **DFARS v. FAR**
  - **DFARS – Unlimited Rights**
  - **FAR – Government Purposes**
- **May Accept Lesser Rights**

Operations

Contracts - Contractor's Copyright Notice

Can we direct the contractor to remove its notice?

- **No**
- **DFARS v. FAR**

DFARS - Copyright Notice Permitted

FAR - Copyright Notice Required

- Unlimited Rights if Omitted

Operations

- **Contracts - Contractor's Copyright Notice**

- **If there's no copyright notice, does that mean the work is not protected by the contractor's copyright?**

  It Depends
  FAR v. Berne Convention
  DFARS
  Abandonment

Operations

Contracts - Ownership of a Work

Doesn't the contractor need our permission to commercialize this work?

Not Usually

DFARS – Contractor normally owns the copyright

Operations

Grants

- **Grantee owns copyright, US has Federal purpose rights**
  - **-- Nonprofits - OMB Circular A-110**
  - **-- State & Local Gov't - OMB Circular A-102**

- **Can NTIS sell to the public?**

Open Source Software (OSS)

Definitions

- **Source Code**
- **Public Domain Software**
- **License - Users who distribute provide source code**

  - Free
- **GNU GPL (General Public License)**
- **Linux**
- **DOD Q&A at http://www.disa.mil/pao/opensourcev16.html**

Open Source Software (OSS)

Issues

- **Security**
- **Viable Business Model**

Summary

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